

Asian-Americans in the Argument



Michael Stravato for The New York Times

What is the Asian-American identity? Lesley Varghese, top left, teaches the subject at the University of Texas, Austin. Students include, clockwise from Ms. Varghese, Khai Pham, Anna Akhtar, Mariam Taherzadeh, Tu-Uyen N. Nguyen, Francis Shue, Mirusha Vogarajah and Judith Ha.

By ETHAN BRONNER

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A COLLEGE education aims to guide students through unfamiliar territory — Arabic, Dante, organic chemistry — so what was once alien comes to feel a lot less so. But sometimes an issue starts so close to home that the educational goal is the inverse: to take what students think of as familiar and place it in a new and surprising light.

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It's mostly the latter process that has been taking place every Tuesday and Thursday this semester in Room 303 of the Parlin Building, just below the iconic 300-foot tower of the [University of Texas](#), Austin. On this graceful campus of 50,000 students from diverse ethnic backgrounds, three dozen undergraduates, many of them Asian-American, are examining Asian-American political identity in a course on that subject.

Ethnic politics is a touchy topic under any circumstances, but the issue here has a sharper edge as the United States Supreme Court examines whether the University of Texas is violating the Constitution by including race and ethnicity in admissions decisions. On Oct. 10, it heard oral arguments in [Fisher v. University of Texas](#), in which Abigail Fisher, a white Texan, says she was denied admission to the flagship campus while less qualified Latinos and African-Americans were allowed in.

In his presentation of some of the Supreme Court legal briefs to the political identity class, Khai Pham, a junior who is Vietnamese, said he didn't like the use of race in college admissions — and nobody other than the instructor, Lesley Varghese, disagreed with him. Said one classmate: "You can't make up for what went wrong in the past by helping people today." Another added: "Maybe affirmative action was necessary at one point in time, but it is outdated today and we need a new formula." And Anna Akhtar, a sophomore who is half Pakistani, said of her high school classmates: "I had white friends who were struggling and minority friends who were doing just fine."

Ms. Varghese, an Indian-American lawyer and activist, said later that she hoped that what seemed obvious to those students now — that using race in admissions caused resentment, was unfair and should be abandoned — would yield to a deeper appreciation of a complex issue later in the semester.

Given the growing skepticism toward affirmative action in American society and at the Supreme Court itself (Chief Justice John G. Roberts Jr.: "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race"), its use in university admissions seems to be facing a challenging future.

Asian-Americans, who make up 5 percent of the population, are the fastest growing racial group, with three-quarters of adults born abroad, according to the Pew Research Center. And they are tangled up in the affirmative action issue in complicated ways.

On the one hand, some ambitious and disciplined students from India, South Korea and China see themselves as victims of race-conscious admissions, their numbers kept

artificially low to keep a more demographically balanced campus. A lawsuit pending against Princeton alleges discrimination on grounds that applicants from other ethnic or racial groups were admitted with lesser credentials. The Department of Education's Office for Civil Rights also received complaints last year against Princeton and, since withdrawn, Harvard.

On the other hand, Filipinos, Cambodians, Pacific Islanders and other Asian-Americans continue to benefit from policies that take ethnicity into account.

Polls show Asian-Americans divided fairly evenly on the use of affirmative action. But its opponents appear to be growing more vocal, and they have joined the debate in a bigger way than in the past. In briefs sent to the justices, most of the established Asian-American groups, like the [Asian American Legal Defense Fund](#), support diversity as a goal in college admissions. But a number of others take the side of Ms. Fisher and argue that colleges have increased the numbers of blacks and Hispanics in a way that is wrong and unconstitutional.

"Admission to the nation's top universities and colleges is a zero-sum proposition," asserts the brief from the [80-20 National Asian American Educational Foundation](#), one of the groups opposed to affirmative action. "As aspiring applicants capable of graduating from these institutions outnumber available seats, the utilization of race as a 'plus factor' for some inexorably applies race as a 'minus factor' against those on the other side of the equation. Particularly hard-hit are Asian-American students, who demonstrate academic excellence at disproportionately high rates but often find the value of their work discounted on account of either their race, or nebulous criteria alluding to it."

Ms. Fisher asserts that the policy that led to the rejection of her application to the Austin campus hurts not only white applicants but Asian-Americans.

FOCUSING on the Texas university for a national examination of affirmative action is at once suitable and inappropriate. Unlike universities at the center of earlier Supreme Court cases — California, Michigan — Texas has a long history of institutional discrimination.

A Supreme Court case against the university in 1950, *Sweatt v. Painter*, punctured the "separate but equal" doctrine perpetrated by Southern institutions. Hemon Sweatt, a black man from Houston, had been denied entry to the University of Texas Law School and sent to a substandard, ad hoc law school for African-Americans. Asians and Latinos had also been barred. The court, in a precursor to the landmark 1954 ruling *Brown v. Board of Education*, declared that unconstitutional.

But the University of Texas is also an unusual institution to accuse of race-based selections because of the idiosyncrasies of the system it adopted in the late 1990s. Shortly after a federal appeals court forbade Texas's public universities from using race in admissions decisions, the university employed a clever formula: Texans, like most of the country, live in largely segregated communities, so the university accepts the top graduates of every high school. (It's called the Top 10 Percent Law, but the cutoffs can vary slightly each year.)

In a 2003 case involving the University of Michigan, the Supreme Court decided that race could be used minimally in college admissions to create a diverse environment. Texas then adjusted its policy to increase diversity further. And it is that policy that Ms. Fisher is challenging. The university takes in the first 75 percent of its admitted class by the top 10 percent rule and then submits the final quarter to a holistic evaluation. That means other issues, including race and ethnicity (and musical and athletic ability and essays), are taken into consideration.

Currently, the university's enrollment is half non-Hispanic white, fairly close to the state demographic of 45 percent. It lags in Hispanic representation (18 percent enrolled versus 38 percent statewide) and African-American (4 percent versus 12 percent statewide). As for Asian-Americans, it would be hard to argue they are underrepresented. They make up 4 percent of the state population, and 16 percent of the university's student body.

But the numbers don't tell the whole story. The university does not reveal how many applicants in each group it rejects.

For Asian-Americans across the country, the Fisher case is a source of ambivalence. While most people think of blacks and Latinos when they think of victims of past discrimination, Asian immigrants, who first came to build railways in the late 19th century, were also mistreated. Most famously, Japanese-Americans were interned during [World War II](#) for fear of treachery. To some in Texas, the state with the third largest Asian-American population, after California and New York, the mistreatment does not feel like ancient history. Anti-miscegenation laws, in effect here until 1967, and separate-but-equal laws applied to all nonwhites.

"We were the first illegal immigrants and had the first blighted neighborhoods," said Irwin A. Tang, co-author and editor of the book "Asian Texans: Our Histories and Lives." A Dallas business directory of 1894 declared on its cover, "Send Chinese laundries back to China!"

As Mr. Tang writes of the first half of the 20th century, “Asian Texans lived in a distinct racial-caste system structured by racist laws; social hierarchy; segregation of residence, sexual relations and marriage; and the separation of Asian family members from each other.” So the idea of helping them overcome past discrimination in the same way as Latinos and blacks has held appeal for some, especially those who say the suffering has gone unacknowledged.

Asians have often been grouped under the rubric of “model minority,” meaning they make few political demands and keep their head down. “Asian-Americans are brought up not to upset the apple cart,” noted Martha Jee Wong, a retired Republican state legislator from Houston. “Our parents taught us that whatever we do, we should honor our family name. So you find ways to make top grades and not rock the boat.”

Ms. Varghese, who is director of the Austin Asian American Resource Center, to open next year, says it took many decades for Asian-Americans of different backgrounds to feel any sense of common identity. “My parents are Catholics from Kerala in southern India,” she said. “My father doesn’t even speak Hindi. For most of his life he barely considered himself Indian, let alone Asian.”

The idea of a pan-Asian identity in this country, scholars say, was partly a result of anti-Asian violence, especially against one subgroup when another was intended. Thirty years ago in Detroit, a Chinese-American named Vincent Chin was beaten to death by a pair of autoworkers angry at competition from Toyota. They thought he was Japanese. Seven years later, Jim Loo, also Chinese, was killed in North Carolina by men who had lost a brother in the Vietnam War and thought he was Vietnamese. In the wake of Sept. 11, Sikhs from India have been targeted in the belief they are Muslims.

“All of this created a consciousness that xenophobia targets you, that the whole model-minority stereotype attached to many Asians doesn’t protect you,” Ms. Varghese said. “When it comes down to who is American and who is the enemy, we are often lumped in with the enemy. As hate crimes go down nationally, we are the only group for whom they go up.”

Still, Asia is an immense and crowded place — more than half the world lives there — around which to build an identity, especially given the enormous variety of Asian religions, ethnicities and languages compared with, say, Latin America.

Mirusha Yogarajah, a University of Texas sophomore who is the daughter of Sri Lankan refugees, supports affirmative action for blacks and Latinos. But, she said, “the pan-ethnic Asian identity is really not viable — it exacerbates the idea of our being foreigners.”

For many scholars and Asian-American advocates, greater effort should be put into distinguishing among the groups that need help. They have distinct histories and distinct needs.

“Many of the Asian groups doing well have parents with college and graduate degrees,” noted Madeline Hsu, director of Asian-American Studies at the Austin campus, speaking especially of Koreans, Japanese, Indians and some Chinese. “This is partly because of regulations that sought to bring in skilled immigrants. What we need now is not to group everyone together into some mythic model minority but to have greater nuance in understanding Asian-American groups. We need greater help for Southeast Asians and Pacific Islanders.”

The story of how Asian-Americans were included — then largely removed — from race-conscious efforts starts five decades ago, when the idea of affirmative action began to take hold. President John F. Kennedy coined the term to suggest the need for an aggressive effort against discrimination. Over the next few years, the intended groups were identified as African-Americans, Latinos, Asian-Americans and Native Americans or, as they were called on federal forms in the mid-1960s, Negroes, Spanish Americans, Orientals and American Indians.

Admissions offices at elite institutions followed the government’s lead. They did so, according to John Skrentny, a sociologist at the University of California, San Diego, partly because the country was on fire about race and class. Increased admission to students of color was one way to quiet their campuses — and to enhance the educational experience. Within a couple of decades, the academic success of many Asian-Americans resulted in elite schools quietly keeping their numbers from climbing too high. (The mean SAT score of Asian-Americans is now 63 points higher than that of whites.)

“If you look at the Ivy League, you will find that Asian-Americans never get to 20 percent of the class,” said Daniel Golden, author of “The Price of Admission” and editor at large for Bloomberg News. “The schools semiconsciously say to themselves, ‘We can’t have all Asians.’” Mr. Golden says it is helpful to think of Asians as the new Jews because some rules of college admissions, like geographic diversity, were originally aimed at preventing the number of Jews from growing too high.

Commenting on similar efforts involving Asian applicants, Rod Bugarin, a former admissions officer at Wesleyan, Brown and Columbia, said: “The bar is different for every group. Anyone who works in the industry knows that.”

But like most admissions professionals, Mr. Bugarin, of Filipino heritage, said he was worried that the Supreme Court might listen to those who wish to remove race and ethnicity entirely from the process.

“As someone who is Asian, I can say that Asians have really benefited from affirmative action,” he said. “When schools were heavily white, Asians were not in the applicant pool. But now there is a new generation of immigrants applying, especially from places like India and China, and that is putting even more pressure on Asian-Americans trying to get into top schools. If they knocked out our ability to use affirmative action, certain Asian groups would benefit far more than others.”

More important, some argue, Asian-Americans themselves benefit from the campus diversity the system produces. Schools where admission is purely through a test, like the elite public New York City high school Stuyvesant, often have large percentages of Asian-Americans. The University of California at Berkeley and Los Angeles are more than half Asian. That doesn’t help them integrate effectively, to pierce what some call the bamboo ceiling in the corporate and political worlds.

“I fear that if affirmative action is overthrown by the Supreme Court, our elite campuses will look like U.C.L.A. and Berkeley,” Mr. Bugarin said. “That wouldn’t be good for Asians or for anyone else.”

Ethan Bronner is national legal affairs correspondent at The Times.